

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRIAN E. GRIFFIN,

Plaintiff

V.

**MELVIN S. LOCKETT, R.M.
LAWLER, A. LOVETT, SCOTT
WALTERS, and DONALD T.
VAUGHN,**

Defendants

CIVIL NO. 1:CV-06-02445

JUDGE SYLVIA H. RAMBO

MEMORANDUM & ORDER

Plaintiff, an inmate housed at the State Correctional Institution in Huntingdon, Pennsylvania seeks a preliminary injunction against Defendants in the form of a court order “telling the [D]efendants to use their power to stop retaliatory harassment by officials, or transfer me out of this prison.” (Doc. 21.) Plaintiff alleges that officials have searched his cell numerous times, “more then [sic] the average inmate,” verbally abused him, and required him to sit “on a bench from 3:45 to 6:20, not fully dressed” without his eye glasses in retaliation for filing a lawsuit. (*Id.*) Plaintiff further alleges that he cannot find a copy of a complaint he recently filed with this court (*Id.*)

As the Third Circuit has explained, “[a] preliminary injunction is an extraordinary remedy” that courts grant only when (1) a plaintiff is likely to succeed on the merits, (2) denial will result in irreparable harm to the plaintiff, (3) granting the injunction will not result in irreparable harm to the defendant, and (4) granting the injunction is in the public interest. *NutraSweet Co. v. Vit-Mar Enterprises, Inc.*, 176 F.3d 151, 153 (3d Cir. 1999). “A plaintiff’s failure to establish any element in its favor renders a preliminary injunction inappropriate.” *Id.*

Plaintiff has failed to meet his burden. For example, while Plaintiff suggests, “I will probably win this case in the end,” such a conclusion does not satisfy the requirement that he show likelihood of success on the merits. Plaintiff otherwise makes no showing regarding the likelihood of his success on the merits. The court will refrain from unnecessarily reviewing the remaining elements. Accordingly, **IT IS HEREBY ORDERED THAT** Plaintiff’s “Motion for Preliminary Injunction” (Doc. 21) is **DENIED**.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: January 21, 2009.